



March 2017
Issue Two

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Texas Chiropractic Board Report



Summary of Actions

A regular meeting of the Texas Board of Chiropractic Examiners (TBCE) was held February 16, 2017, in Austin. The following is a summary of Board actions taken during this meeting.

The Board voted to adopt amendments to the following rules – effective June 1, 2017:

- [78.1](#) - The amendment more specifically distinguishes violations that constitute unprofessional conduct in chiropractic.
- [78.10\(b\)](#) - The amendment reorganizes violations set out in the Table of Maximum Sanctions into categories based on risk of harm to public.

The Board voted to deny a rule petition:

- [78.14](#) – The Board considered and denied a rule petition that requested repeal of Rule 78.14 Acupuncture, after and pursuant to review and recommendation by the Board's Rule Committee, January 6, 2017.

All proposed and adopted rules are submitted for publication in the [Texas Register](#) after each quarterly Board meeting and within a scheduled timeframe.

We encourage all licensees to monitor proposed rules published in the *Texas Register* and to regularly comment on these proposed rules. Comments must be in writing and sent to the TBCE General Counsel *via* mail or email at rules@tbce.texas.gov within the time period specified.

Current and past issues of the Texas Register are available online at: <http://www.sos.state.tx.us/texreg/index.shtml>. If you'd like to be notified by email whenever the TBCE proposes, adopts or withdraws a rule or schedules an open meeting, contact the Texas Register at: register@sos.state.tx.us or call (512) 463-5561.



Texas Board of Chiropractic Examiners

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Attention New Licensees

Your first renewal cycle is pro-rated and is usually not a full twelve months, so completion of your Continuing Education (CE) requirements is not required until after your first license renewal.

When you renew your license for the second time, you should have completed sixteen (16) hours of approved CE, including the four (4) hours in Board-required topics and the one-time, eight (8) required hours for Medicare.



Board Disciplinary Actions Taken

Vashtic Amma-Lesrine, D.C. Lic. No. 4863, Crosby.
Cease and Desist Order for an expired license.

Razak Balogun, D.C. Lic. No. 9304, Bellaire.
Pass the Jurisprudence exam and EBAS exam for fraud and unprofessional conduct.

Marlene Burgos, Fac. No. F007946, Houston.
Pay \$250 for failure to release patient records.

Steven Catalina, D.C. Lic. No. 8281, Hearne.
Expired facility registration;
Pass the Jurisprudence exam.

Festus Clement, Fac. No. F005847, Stafford.
Letter of Reprimand for failure to respond to Board inquiries and failure to comply with a Board Order.

Joan Edwards, D.C. Lic. No. 4434, Houston.
Cease and Desist Order for an expired license.

Iris Garcia, D.C. Lic. No. 11943, Grapevine.
Letter of reprimand and pass the Jurisprudence exam for advertising and practicing outside the scope of practice.

Candice Gilmore, Fac. No. F0010547, Houston.
Pay \$1,000 and pass the Jurisprudence exam for unsanitary equipment and failure to display public information.

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Board Disciplinary Actions



Melada Gonzales, Fac. No.F0012180, Dallas.
Cease and Desist, Letter of Reprimand and pass the Jurisprudence exam for unregistered facility and for submitting false information on facility application.

Walter Green, III, D.C. Lic. No. 12758, The Colony.
Pass EBAS for sexual misconduct, lack of diligence and inefficient practice.

Bradley Hall, D.C. Lic. No. 12049, Lewisville.
Cease and Desist Order for an expired license.

Randall Holmes, D.C. Lic. No. 5564, Houston.
Cease and Desist Order for an expired license and expired facility.

Derrill James, D.C. Lic. No.9616, Bellaire.
Pass the Jurisprudence exam and EBAS exam for fraud and unprofessional conduct.

Hong Lee, D.C. Lic. No. 11938, Austin.
Cease and Desist Order for an expired license.

Salvatore Maneen, D.C. Lic. No. 2953, Houston.
Cease and Desist Order for an expired license.

Larry Martinez, D.C. Lic. No. 7030, San Antonio.
Cease and Desist Order for an expired license and expired facility.

Janiz Minshev-Shurr, D.C. Lic. No. 9402, Dallas.
Cease and Desist Order for an expired license.

Patrick Montoya, Fac. No. F0011220, Houston.
Revocation of facility registrations for submitting false information on facility application and failing to respond to Board inquiries.

Walter Nickells, D.C. Lic. No. 6943, Lulling.
Cease and Desist Order for an expired license.

Timothy Odom, D.C. Lic. No. 5994, Fort Worth.
Cease and Desist, pass the Jurisprudence exam and pay \$1,500 for unregistered facility and failing to respond to Board inquiries.

Gerald Parker, D.C. Lic. No. 10766, Amarillo.
Cease and Desist Order for an expired license.

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Board Disciplinary Actions

Sara Parker, D.C. Lic. No. 11028, Fort Worth.

Cease and Desist Order for an expired license.

Cody Perkins, D.C. Lic. No. 7044, Amarillo.

Cease and Desist and pass the Jurisprudence exam for unregistered facility.

Raymond Perry, D.C. Lic. No. 5585, New Braunfels.

Cease and Desist Order for an expired license and expired facility.

Brent Procter, D.C. Lic. No. 9372, Santo.

Pay \$1,000 and pass the EBAS exam for lack of diligence in chiropractic.

Larry Renfro, D.C. Lic. No. 9880, Lufkin.

Criminal activity. License probated; pass the Special Purposes Exam (SPEC) and pass the Jurisprudence exam.

Ramesh Sadeghian, D.C. Lic. No. 4373, Houston.

Cease and Desist Order for an expired license and expired facility.

Crystal Sale, D.C. Lic. No. 12227, Prosper.

Advertising and practicing outside the scope of practice; Letter of reprimand and pass the Jurisprudence exam.

Leslie Sharp, D.C. Lic. No. 2706, Stephenville.

License probated for one year for lack of diligence in chiropractic; pass the Jurisprudence exam and pass the Special Purposes Exam (SPEC).

Steven Shuel, D.C. Lic. No. 10269, San Antonio.

Cease and Desist Order for an expired license and expired facility.

Douglas Stakes, D.C. Lic. No. 2943, Austin.

Cease and Desist Order for an expired license and expired facility.

Randall Thomas, D.C. Lic. No. 3007, Houston.

Cease and Desist Order for an expired license.

Robert Tonti, D.C. Lic. No. 6921, Fort Worth.

Cease and Desist Order for an expired license and expired facility.

Dan Van Ackeren, Jr., D.C. Lic. No. 8874, Grapevine.

Cease and Desist Order for an expired license.

John Ward, D.C. Lic. No. 9430, Pasadena.

Cease and Desist Order for an expired license.

President's Message

Owning a business and providing chiropractic healthcare services are two very challenging endeavors. If you do both, then your challenges are double. One way to face the challenge and to keep stress down is to stay organized. Now more than ever, especially with all the changes and new requirements, organization will be your key to success. Your patients are depending on you to keep a current license, so don't let them down. Renew online and on time, and remember to get your background check done. The fingerprint service is easy and costs \$37.00. I know it's a bit of a hassle, but certainly well worth it for the privilege of serving the people of Texas! Also please keep up with your CE requirements and save those certificates in a safe place. Our new random audit procedures will save agency valuable resources. I recommend scanning and keeping electronic copies as a backup. Also, please, please, please keep your advertising and your practices within Texas scope. Make sure that whatever you display to the public is representative of your license, your credentials and the services that you provide. If you need more guidance then stand by for advisories and updates in our newsletters and emails. Make sure that we have your current email address and you will always get the latest from TBCE. Thank you for your cooperation and professionalism.

Sincerely,

Mark R Bronson, DC, FACO
Board President

TBCE Holidays

The office of the Texas Board of Chiropractic Examiners will be closed on:

MEMORIAL DAY
MONDAY, MAY 29, 2017

TBCE Contact Information

OFFICE HOURS: 8:00 a.m. until 5:00 p.m.
Monday through Friday, except for holidays.

MAILING ADDRESS:

333 Guadalupe Street, Suite 3-825, Austin, TX, 78701.

WEBSITE: www.tbce.state.tx.us

PHONE: (512) 305-6707

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E-MAIL: tbce@tbce.state.tx.us

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Agency Licensing & Registration Summary through January 31, 2017



Number of Chiropractic Doctors	
Active License	5345
CE-Conditional License	325
Expired License	166
Inactive License	646
Non-Renewable License*	2653
Probated License	19
Suspended License	3

Number of Chiropractic Facilities	
Active Registration	4218
Expired Registration	341

* Includes license expiration after one year, closure at DC's request or closure for non-compliance with CE.

Number of Radiologic Technologists	
Active Registration	48
Expired Registration	43

Compliance & Investigations Information September 1, 2016 - February 28, 2017

Complaints Open	
Complaints Received	108
Expired License Complaints	183
Total	291

Average Days to Close	
Complaints	190
Expired License	43
Closed with Orders	59
Letters of Warning & Education	125

Top 3 Closed Complaints by Violation Type	
Lack of Diligence	23
Fraud	16
Failure to Furnish Records	12

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The **Texas Chiropractic Board Report** is the official publication of the Texas Board of Chiropractic Examiners. Newsletters are published following Board meetings, which are typically held in February, May, August, and November.

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In compliance with the Americans with Disabilities Act, this document may be requested in alternate formats by contacting the Board's office, (512) 305-6906 (Voice) or by faxing a request to (512) 305-6705 (FAX).

Advertising, Scope and Proper Use of Credentials



The role of the Texas Board of Chiropractic Examiners (TBCE) is to enforce the chiropractic statute and rules and to protect the public. One area where we see potential violations and risk of misleading the public is in website and other advertising. Specific issues are advertising treatment that is outside the scope of practice or misleading, and improper use of credentialing.

Scope of Practice and Advertising:

Texas statute and TBCE board rules define and interpret what a licensed chiropractor is allowed to do in Texas. Many chiropractors are trained to provide far more services to patients than a Texas license actually permits, but training does not drive scope. Each state has its specified scope. Even specialty board training does not change one's scope. Scope of Practice can only be changed by legislative action.

For example, Texas Chiropractors cannot treat diseases or disorders, such as: diabetes, hypothyroidism, infertility, schizophrenia, Parkinson's, colic, diarrhea, asthma or constipation. If you are advertising that you can treat such conditions you are violating Texas scope of practice and subject to disciplinary action by the TBCE.

The Texas Medical Board could also file a potential cease and desist action for practicing medicine without a license.

Similarly, Acupuncture performed by a doctor of chiropractic (D.C.) in Texas is limited to scope of practice, which includes the adjunctive treatment of *the subluxation complex or the biomechanics of the spine and musculoskeletal system*. Advertising Acupuncture services should be limited to scope. It is also important that you indicate your acupuncture credentials in your advertising. (See discussion regarding disclosure of credentials below.)

In Texas, chiropractic scope is limited to the "human body." Thus, training and certification in animal chiropractic does not allow you to hang up an animal chiropractic shingle and call yourself an animal chiropractor. Rather, all animal care is regulated by the Texas Board of Veterinary Medicine. Any chiropractic treatment of animals must be supervised and referred by a Doctor of Veterinary Medicine (DVM). When performing animal chiropractic or other forms of musculoskeletal manipulation (MSM) on an animal in Texas, you cannot use your D.C. credentials or use the title "doctor." You are essentially working under the DVM's license as a contractor.

Improper Use of Credentials:

It is important to understand that if you identify yourself as having specialty certification in Texas you must also identify the specialty board authorizing that certification. For example, a board certified chiropractic orthopedist (DABCO) must identify which board awarded the certification (e.g. American Board of Chiropractic Orthopedists).

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Two professional organizations have recognized specialty councils: International Chiropractors Association (ICA) and American Chiropractic Association (ACA). A recent article in the Texas Journal of Chiropractic, Summer 2016, addresses these specialty councils and credentialing (See TJC, "Decrypting Chiropractic Specialty Designations" Pgs. 18-25).

The National Board of Chiropractic Examiners (NBCE) is a testing organization and **does not award board certification**. Likewise, the TBCE is a licensing and regulatory agency and **does not award board certification**. Being awarded a "certificate of attainment" by a testing or regulatory board does not make a licensee board certified. Rather, board certification is awarded by authorized specialty boards after a program of advanced training, usually 3-5 years, advancement to candidacy and board testing (e.g. written, oral, practical). Successful passing of the board exams allows one to use specialty board designations, such as: DACO, DABCO, DACBR, DABCI, etc. In addition, stating one is a "Diplomate" of the NBCE or the TBCE is inaccurate. In fact, in 1982 the NBCE stopped using the Diplomate designation due to this confusion and instead, began issuing a certificate of attainment. The NBCE website cautions that use of the Diplomate of the NBCE is a violation subject to state sanctions and may result in **legal action** for improper use.

See <http://mynbce.org/score/licensing-certification/>. If licensed before 1983, the NBCE recommends using the following: **"holds NBCE Diplomate Certificate 19XX."** This is the designation for passing parts I and II of the National Board Exams used before 1983. *Id.*

D.C.'s are ultimately responsible for their website content. Violations can lead to board actions up to and including: letter of education, cease and desist, administrative fine, mandatory additional training or examination, suspension and revocation. If you have questions regarding your advertising or website, please contact Scott Parker (512)305-6708 in our Compliance Department, or Courtney Ebeier, General Counsel: courtney@tbce.state.tx.us.

John H. Riggs III, D.C., F.A.C.O.,

TBCE Welcomes New DC Licensees

Issued December 2016 through January 2017

Kelly Ler, D.C.
Crystal Mesrahi, D.C.
Randal Pohlman, D.C.
Mignon Sweat, D.C.
Michael Stephens, D.C.
Brooke Halboth, D.C.
Courtney Arnold, D.C.
Derek Benson, D.C.
Kathryn Sherman, D.C.
Carroll Green, D.C.
Jordan Payne, D.C.
Scott Bonner, D.C.
Daniel Strang, D.C.
Grant Campbell, D.C.
Paige Ward, D.C.
Jordan Estrada, D.C.
Kristina Myles, D.C.
Jay Bhakta, D.C.
Kelsey Word, D.C.
Charles Allen, D.C.
Cody Newman, D.C.
Bezawit Letcher, D.C.
Jolene Aragon-Rosales, D.C.
Matthew Moreno, D.C.
Kyle Hassell, D.C.
Charles Ward, D.C.
Kha Do, D.C.
Darya Ilushin, D.C.
William Morgan, D.C.
Nancy Nunez, D.C.
Celeste Clarke, D.C.
Niraj Patel, D.C.

Shabnam Ashtiani, D.C.
Benjamin Bumguardner, D.C.
Kenneth Haywood, D.C.
James Davisson, D.C.
Shelby Morris, D.C.
Yadira Henriquez, D.C.
Sasha Cora-Leyte, D.C.
Casey Sanders, D.C.
Wendi Wallin, D.C.
Kevin Atchley, D.C.
Darryl Coty, D.C.
Timothy Cornish, D.C.
Staci Schneider, D.C.
Tanner Brusnighan, D.C.
Christopher Ward, Jr., D.C.
Dallas Johnston, D.C.
Milad Faghihifar, D.C.
Samuel Gaston, D.C.
Vinh Doan, D.C.
Zachry Benson, D.C.
Drew Perkins, D.C.
Michelle Gorman, D.C.
Brandon Pounds, D.C.
Allen Williams II, D.C.

Reinstated:

Venturra Peluzzo, D.C.

NEW REQUIREMENTS FOR LICENSE RENEWAL

BACKGROUND CHECK:

TBCE is implementing a background check policy in accordance with state law and with other professional healthcare licensing boards. Licensees originally licensed before September 1, 2004, will receive notice that they are required to complete a background check prior to renewal, if possible, or not later than 90 days after their date of renewal. The notice will be sent 45-60 days in advance of renewal and will include all the information and links to make an appointment and payment. The cost is \$37.00. Out-of-state licensees will receive additional information on how to comply if living outside of Texas.

The statutory requirement for criminal background checks can be found in the Texas Occupations Code, Title 2. General Provisions Relating to Licensing, Chapter 53. Consequences of Criminal Conviction, Subchapter A. General Provisions.

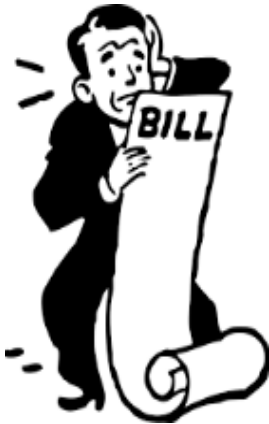
CONTINUING EDUCATION AUDIT:

TBCE has moved to a random audit process with continuing education. After each renewal period, the agency will select a random sample of recently renewed licensees to complete a CE audit form that accounts their continuing education credits for the prior year. As required by rule, licensees must complete 16 hours of CE's credits or be placed in a conditional status pending verification that the hours have been completed. If you are selected for an audit, a form will be emailed to the email address you have on file with the TBCE. The form must be returned within 10 business days.

ACUPUNCTURE:

TBCE is in the process of updating agency records regarding incorporation of acupuncture in the practice of chiropractic. In order to gather information and to determine what additional resources the TBCE may provide its licensees, a questionnaire was recently sent to licensees inquiring about their acupuncture services, including any testing and certification(s) obtained. We request the form be returned within 10 business days for efficient processing.

85th Legislature: Bills to Watch



It's that time again – the Legislature has convened in their 85th biennial session. The following are bills to watch that pertain to the Chiropractic profession.

SB304 & HB2547: Relating to the continuation and functions of the Texas Board of Chiropractic Examiners; authorizing a reduction in fees.

SB679: Relating to the authority of chiropractors to form business entities with certain other professions.

SB55 & HB1976: Relating to a study of the use of a patient reported outcomes registry in conjunction with health coverage for certain government employees.

HB2011: Relating to the practice of chiropractic; including “diagnose” in the definition of chiropractic.

HB2203: Relating to the practice of chiropractic; including “diagnose” in the definition of chiropractic.

How to track a Bill on Texas Legislature Online

Bills can be individually tracked throughout the legislative process by using the website **Texas Legislature Online** (TLO): (<http://www.capitol.state.tx.us/Home.aspx>).

MyTLO features a variety of search tools where anyone can track and review bills filed with the House and Senate: (<http://www.capitol.state.tx.us/Reports/General.aspx>)

A Bill List can be created to view the progress of particular bills of interest, including setting up alerts: (<http://www.capitol.state.tx.us/MnuMyTLO.aspx>). One can also access bill Reports, and monitor Committee meetings and actions in both the House and Senate.

The 85th Legislative Session convened on January 10th, 2017. The last day to file bills was March 10th and Regular Session ends on June 18th.

Texas Chiropractic Board Report Memorials



Matthew Richard Roeder, Doctor of Chiropractic, passed away Friday, July 29, 2016. He graduated Cum Laude from Texas Chiropractic College in December of 2000 and moved back to Lubbock immediately thereafter to begin his practice, The Chiropractic Care Center. Dr. Roeder asked his trusted friend and colleague, Robert Buchanan, to care for his patients at 34th Street Chiropractic. It comforted him to know that his patients will be cared for in a manner very similar to his own.



Dr. Charles E. Spears, age 86, longtime resident of Odessa and most recently Lubbock, Texas, passed away on July 21, 2016. Chuck pursued his dream of becoming a chiropractor, earning his Doctorate from Palmer School of Medicine in Iowa and his Bachelor of Science degree at Oklahoma University. Dr. Spears did his internship at Pruitt Chiropractic in Fort Worth, was on staff at Cleere Chiropractic Clinic in San Angelo, and in 1967 opened his own clinic in Odessa, where he practiced for 45 years. While in private practice he served several terms as President of the Texas Chiropractic Society and was President of the Blair Chiropractic Research Society. He received the 1971 Outstanding Chiropractor for the State of Texas Memorial Award and was included in Who's Who in Texas in 1974.



Dr. Craig Allen Beckwith passed away on Thursday, October 1, 2015. He attended Life Chiropractic College West and graduated on June 17, 1994. Dr. Beckwith was licensed in the state of Texas on January 12, 1996.

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Tony Gene Sappington was born on January 27, 1959 and passed away on February 28, 2017. Dr. Sappington graduated from Texas Chiropractic College in 1984 and resided as a chiropractor in Pasadena, Texas where he held a Texas chiropractic license since 1985. He was an avid sports lover and is survived by his mother and daughter.

Memorials are published at no cost as a tribute to deceased Texas Doctors of Chiropractic. Information included is primarily related to the individual's accomplishments in the chiropractic profession. To submit a memorial, please email tbce@tbce.state.tx.us or call (512) 305-6906 for more information.